

**Al-Haq’s Written Submission to the (UN) Special Rapporteur on the Rights to
Freedom of Peaceful Assembly and of Association, Mr. Clément VOULE
for his report to be submitted to the 50th Session of the Human Rights
Council with focus on “Access to Resources”**

Submitted by: Al-Haq, Law in the Service of Man

www.alhaq.org



Date: 18 February 2022

I. Introduction

We welcome the initiative by the United Nations (UN) Special Rapporteur on the rights of freedom of peaceful assembly and of association, Mr. Clément N. Voule to devote his report to the 50th session of the Human Rights Council, to the study of trends, developments, and challenges regarding the ability of civil society organizations to access resources, including foreign funding.

1. For decades, Palestinians, including Human Rights Defenders (HRDs) and human rights and civil society organizations have mobilized against Israel's occupation, apartheid and settler colonialism,¹ and struggled for the realization of their inalienable rights, including the right to self-determination of the Palestinian people and the right to return of Palestinian refugees and internally displaced persons. Over the years, there has been a growing recognition that Israel has established and maintained an apartheid regime² over the Palestinian people as a whole, including Palestinians on both sides of the Green Line, and Palestinian refugees and exiles in the diaspora.
2. The work of civil society which tirelessly have exposed Israeli violations amounting to war crimes and crimes against humanity was not without a cost. For decades civil society and human rights defenders have been systematically targeted for their work advocating for the protection of human rights in Palestine.³ The attacks, death threats, defamation and smearing campaigns not only attempt to delegitimize and discredit the work of civil society and human rights in Palestine, but additionally to dry out funding and challenge the donor community for their support of Palestinian civil society.⁴
3. This amounting pressure on the work of civil society organizations in Palestine in the past decade included issuing a number of false accusations in reports made public by the Israeli group NGO Monitor, and later by the Israeli Ministry of Strategic Affairs. The latter has issued a number of reports,⁵ in an attempt to link respected Palestinian civil society organizations to terror groups to discredit and stop funding from being channeled to Al-Haq and other civil society and human rights organizations. All accusations and information used in these reports against Al-Haq are false and

¹ Al-Haq's written submission to the UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non Recurrence on Transitional Justice Measure and the Legacy of Human Rights Violations in Colonial Contexts, July 2021, available at: <https://www.alhaq.org/advocacy/18608.html>

² Al-Haq and partners "Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports, 100th Session," 10 November 2019, available at: https://www.alhaq.org/cached_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th-19th-periodic-reports-10-november-2019-final-1573563352.pdf

³ See generally, OBS, FIDH, "Target Locked, ISRAEL : smear campaigns to stifle human rights defenders from the Golan, Israel, and Palestine", available at: <https://target-locked-obs-defenders.org/>

⁴ Ibid.

⁵ EUROMED Rights Fact Check: "The Money Trail" Report by Israel's Ministry of Strategic Affairs is Inaccurate, False and Misleading, May 2018, available at: <https://euromedrights.org/publication/fact-check-the-money-trail-report-by-israels-ministry-of-strategic-affairs-is-inaccurate-false-and-misleading/>

have no factual grounds.⁶ These attacks and smear campaigns have focused on well-established Palestinian human rights organisations, and on Al-Haq in particular. It has also targeted donors – mainly European governments and the EU.⁷ The latest and most serious attack was the designation of six Palestinian prominent organizations including Al-Haq as terrorist organisations.⁸

4. The shrinking of the Palestinian civil society space to altogether discredit their image, efforts and initiatives, delegitimize and criminalize their actions, and cut their sources of funding, on both regional and international stages, is nothing new, but has been accelerating at a worrying pace over the last decade.⁹ Israel governmental, para-governmental and affiliated entities have continued to orchestrate smear campaigns, threats and harassment measures against Palestinian organisations who promote a critical narrative, including of their own Palestinian leadership, and are involved in issues spanning from the Israeli occupation, annexation, apartheid and colonisation of Palestinian lands, business and settlement activities, environmental and natural resources, political prisoners, asylum and refugees to accountability before the International Criminal Court (ICC).¹⁰
5. The overall strategy of Israel, its government and affiliates, is premised on the institutionalization of its regime of laws, policies and practices aimed at delegitimising Palestinian dissenting voices, isolating them from the international and regional arenas, and effectively cutting their funding sources. As the first and leading Palestinian human rights organisation, Al-Haq's work aims at supporting the Palestinian people's struggle for freedom, justice and their right to self-determination, and has long been the preferred target of such attacks.

II. Systematic and Ongoing Smear Campaign; a tool to silence and stop funding

1. For decades, Israel has pursued a policy of silencing those who seek justice and accountability for violations committed against the Palestinian people as a tool to maintain its apartheid regime.¹¹ Palestinian civil society organisations and human rights defenders have endured systematic

⁶ Al-Haq, "Israeli Ministry of Strategic Affairs Campaign of Institutionalised Harassment Continues with the Alleged Closure of Palestinian NGOs' Financial Accounts" (19 June 2019), available at: <<https://www.alhaq.org/advocacy/6039.html>>

⁷ State of Israel Ministry of Strategic Affairs and Public Diplomacy, 'The Money Trail: European Union Financing of Organizations Promoting Boycotts against the State of Israel' (2nd Edition, January 2019)

⁸ Al-Haq, "Alert: Israel Takes Alarming Steps to Enforce its Persecution of Six Palestinian Organisations in the West Bank, International Community Must Intervene" (7 November 2021), available at: <<https://www.alhaq.org/advocacy/19179.html>>

⁹ Al-Haq, "New Report: Designated Shrinking Space: Israel's Systematic Harassment Campaigns Against Al-Haq, are the Acts of an Illegal Apartheid Regime" (1 November 2021), available at: <<https://www.alhaq.org/advocacy/19143.html>>

¹⁰ Al-Haq, "New Report: Designated Shrinking Space: Israel's Systematic Harassment Campaigns Against Al-Haq, are the Acts of an Illegal Apartheid Regime" (1 November 2021), available at: <<https://www.alhaq.org/advocacy/19143.html>>

¹¹ Al-Haq, "PHROC Draws Attention to the Repression of Human Rights Defenders in Submission to the UN Special Rapporteur on the OPT" (10 November 2016), available at: <<https://www.alhaq.org/palestinian-human-rights-organizations-council/6374.html>>

intimidation, including death threats,¹² arbitrary arrests,¹³ travel bans,¹⁴ residency revocation,¹⁵ and deportation,¹⁶ in an attempt to shrink civil society space, delegitimise, oppress, and dominate them. As Israeli impunity reigns unabated, the safety and rights of Palestinian human rights defenders are continually and frequently violated.¹⁷

2. In a systematic tactic to oppress and silence its opposition, and maintain its apartheid regime over the Palestinian people, and colonisation of Palestine, the Israeli government, including its official entities, individuals, and government-affiliated organisations, applies policies of both ‘violent’ and ‘non-violent’ domination of the Palestinian people, including by frequently and repeatedly smearing Palestinian human rights organisations and defenders.
3. Notably, the attacks of the Israeli Ministry of Strategic Affairs have intensified since 2015, when Gilad Erdan assumed his ministerial position, and Al-Haq, and other Palestinian human rights organisations, submitted their first communication to the Prosecutor of the ICC.¹⁸ Since then, the Israeli Ministry of Strategic Affairs have produced and published four reports, all of which aim to defund and delegitimise Al-Haq.¹⁹

¹² Al-Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” 3 March 2016, at: <http://www.alhaq.org/advocacy/6432.html>.

¹³ See, for example, Al-Haq, “Israel’s Policy of Arbitrary Arrest of Human Rights Defenders Continues,” 24 July 2008, available at: <http://www.alhaq.org/advocacy/7256.html>, Al-Haq, “Israeli Attacks on Human Rights Defenders Must End,” 16 February 2010, available at: <http://www.alhaq.org/advocacy/7161.html>, Al-Haq, Palestinian Human Rights Organisations Condemn the Imprisonment of Human Rights Defender Ramy Shaath & Call for his Immediate Release,” 24 September 2019, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/15238.html>, and Al-Haq, “PHROC Condemns the Arrest of Human Rights Defender Mahmoud Nawajaa,” 6 August 2020, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/17191.html>.

¹⁴ See, for example, Al-Haq, “Human rights organisations call on Israel to lift travel ban on Shawan Jabarin,” 29 November 2011, available at: <http://www.alhaq.org/advocacy/6959.html>, “PHROC Condemns Israel’s Policy of Silencing Those Who Raise the Voice of Justice,” 8 June 2020, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/16957.html>, and Al-Haq, “PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad,” 6 November 2019, available at: <http://www.alhaq.org/advocacy/16170.html>.

¹⁵ See, for example, Al-Haq, “Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitive Revoke his Residency Status,” 4 November 2019, available at: <http://www.alhaq.org/advocacy/16156.html>, and Al-Haq, “Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti,” 8 November 2019, available at: <http://www.alhaq.org/advocacy/16181.html>.

¹⁶ See, for example, Al-Haq, “Statement: Israeli Court Orders the Deportation of Human Rights Watch Director Omar Shakir,” 17 April 2019, available at: <http://www.alhaq.org/advocacy/6067.html>, and Al-Haq, “PHROC Condemns Israel’s Order to Deport Human Rights Watch Director, Omar Shakir, as a Grave Violation of Right to Freedom of Expression, and Systematic Shrinking of Civil Society Space,” 23 May 2018, available at: <http://www.alhaq.org/advocacy/6199.html>.

¹⁷ Al-Haq, “Joint Submission to the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, Mr Michael Lynk, on Accountability,” 31 May 2020, available at: http://www.alhaq.org/cached_uploads/download/2020/06/03/joint-submission-to-unsr-michael-lynk-on-accountability-1591163396.pdf.

¹⁸ Al-Haq, “Palestinian Human Rights Organisations Deliver Submission to the International Criminal Court on Alleged Israeli War Crimes and Crimes against Humanity during 2014 Gaza offensive,” 23 November 2015, available at: <http://www.alhaq.org/advocacy/6460.html>.

¹⁹ Badil, “PNGO & PHROC Position Paper on the Ongoing Campaign to Silence, Delegitimize, and De-Fund Palestinian Civil Society Organizations and Human Rights Defenders,” 22 March 2020, available at: <https://badil.org/en/publication/press-releases/87-2018/4852-pr-en-220318-06.html>.

4. In May 2018, the first report of the Israeli Ministry of Strategic Affairs, the Money Trail 1, was published.²⁰ It was soon followed by a second report, Money Trial 2, on 23 January 2019, which claimed to be “updated research.”²¹ Both of these reports mount a number of attacks against organisations and named individuals, under the pretext of interrogating the funding sources of Palestinian and European civil society organisations which promote a “delegitimization and boycott campaign” against Israel. In February 2019, the Ministry of Strategic Affairs published another defamatory report, titled ‘Terrorists in Suits,’ focusing on allegations of ‘terrorist’ affiliations.²² As a follow-up report, the Israeli Ministry of Strategic Affairs published a report titled “Terrorists in Suits: Bloody Money, European-Funded Palestinian NGOs & their Terror Operatives,” in May 2020. While having (Addameer) as its ‘case study,’ the Israeli Ministry of Strategic Affairs also smeared Al-Haq and its General Director, Shawan Jabareen.²³
5. The Israeli Ministry of Strategic Affairs’ reports use ‘terrorism’ as an undefined term to attack organisations and individuals. While there is yet no legal definition of terrorism in international law, Israel frequently uses ‘terrorism’ in an ostensibly legal context. Failing to put forward a methodology section that clarifies what is meant by the term ‘terrorism’, these reports rely on utilising it in a rhetorical and ultimately empty manner.
6. NGO Monitor, an Israeli proxy organisation which purports to be “an independent and nonpartisan research institute dedicated to promoting transparency and accountability of NGOs claiming human rights agendas, primarily in the context of the Arab-Israeli conflict,”²⁴ is a leading entity in targeting Al-Haq, among other Palestinian civil society organisations. In an attempt to delegitimise Al-Haq’s legal work, NGO Monitor maintains and continuously updates a profile page in relation to Al-Haq’s activities and staff members, affiliating Al-Haq with ‘terrorism’ and associating it with the BDS movement.²⁵
7. Inciting against Palestinian human rights organisations and defenders, NGO Monitor further produces dishonest and inaccurate reports. In its ‘Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on “Business and Human Rights in Occupied Territory”’ report, NGO Monitor continues

²⁰ The Israeli Ministry of Strategic Affairs and Public Diplomacy, “The Money Trail: the Millions Given by EU Institutions to NGOs with Ties to Terror and Boycotts against Israel,” May 2018, available at: <https://www.jewishvirtuallibrary.org/jsource/images/bdsmoneytrail.pdf>.

²¹ The Israeli Ministry of Strategic Affairs and Public Diplomacy, “The Money Trail: European Union Financing of Organizations Promoting Boycotts against the State of Israel,” January 2019.

²² The Israeli Ministry of Strategic Affairs, “Terrorists in Suits: the Ties between NGOs Promoting BDS and Terrorist Organizations,” February 2019, available at: https://www.gov.il/BlobFolder/generalpage/terrorists_in_suits/en/De-Legitimization%20Brochure.pdf.

²³ The Israeli Ministry of Strategic Affairs and Public Diplomacy, “Terrorists in Suits: Bloody Money, European-Funded Palestinian NGOs & their Terror Operatives,” May 2020.

²⁴ NGO Monitor, Official Website, FAQs Section, available at: <https://www.ngo-monitor.org/about/faqs/>.

²⁵ See, for example, NGO Monitor, Official Website, Al-Haq, last updated 17 September 2020, available at: https://www.ngo-monitor.org/ngos/al_haq/, and NGO Monitor, “EU Funding to Terror-Linked Palestinian NGOs Since 2011,” 11 June 2020, available at: <https://www.ngo-monitor.org/reports/eu-funding-to-terror-linked-palestinian-ngos-since-2011/>.

its efforts to associate Al-Haq with the BDS movement.²⁶ In doing so, it denies the Business and Human Rights legal framework that Al-Haq assumes in its work, including with regards to corporate accountability in which Al-Haq is a prominent actor and has been recognized internationally for its work.²⁷ Nonetheless, NGO Monitor continues to label Al-Haq as “a leader in BDS and lawfare campaigns targeting Israel, with its advocacy focusing on anti-Israel activities”.²⁸

8. While Al-Haq supports the rights of other organisations and individuals to support the BDS movement, the organisation has never endorsed the 2005 call for BDS. Rather, Al-Haq continuously advocates for Third States to uphold their obligations under international law in relation to trade and investment with illegal Israeli settlements in the occupied West Bank, including East Jerusalem, including by taking measures to ensure that multinational corporations are not involved in gross human rights abuses, to protect and promote the rule of law, equal access to remedy and adequate accountability, and to protect against human rights abuses within their territory and/or jurisdiction by business enterprises.²⁹
9. Similarly, Al-Haq’s prominent work with regards to the ICC has also been met with smears. NGO Monitor, similar to the Israeli Ministry of Strategic Affairs, rigorously attempts to link Al-Haq with ‘terrorism,’ with the aim of delegitimising the need for international accountability for the crimes committed against the Palestinian people, including at the ICC.³⁰
10. In a similar effort, the Jerusalem Center for Public Affairs, “a leading independent research institute specializing in public diplomacy and foreign policy,”³¹ published a report in May 2020, which aims to discredit the Prosecutor of the ICC, her office, Al-Haq and other Palestinian civil society organisations.³² Critically, the report, which is authored by a former Director General of Israel’s Ministry of Strategic Affairs, and a former Secretary General of the World Jewish Congress, fails to

²⁶ NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glan-bds-agenda-business-human-rights/>.

²⁷ Al-Haq, “Al-Haq Receives the Gwynne Skinner Human Rights Award,” 1 October 2020, available at: <http://www.alhaq.org/advocacy/17372.html>, and Al-Haq, “Al-Haq Attends 8th Annual UN Forum on Business and Human Rights, Receives the Human Rights and Business Award,” 3 December 2019, available at: <http://www.alhaq.org/advocacy/16269.html>.

²⁸ NGO Monitor, “Al-Haq and GLAN’s Not-So-Subtle BDS Agenda: Analysis of Submission on ‘Business and Human Rights in Occupied Territory,’” 10 September 2020, available at: <https://www.ngo-monitor.org/reports/al-haq-and-glan-bds-agenda-business-human-rights/>.

²⁹ See, for example, Al-Haq, “Database Letters: Al-Haq Calls on Home States to Businesses Listed in the United Nations Database as Engaged in Activities with Israeli Settlements to Take Action,” 1 July 2020, available at: <http://www.alhaq.org/advocacy/17042.html>, and Al-Haq, “World Tourism Day: Al-Haq calls for Corporate Accountability for Adverse Human Rights Impacts on Palestinian Host Communities,” 26 September 2020, available at: <http://www.alhaq.org/advocacy/17360.html>.

³⁰ NGO Monitor, Key Issue: International Criminal Court (ICC) and NGOs, available at: <https://www.ngo-monitor.org/key-issues/international-criminal-court-icc-and-ngos/which-ngos-are-involved-in-lobbying-the-icc/>.

³¹ The Jerusalem Center for Public Affairs, About the Jerusalem Center for Public Affairs, available at: <https://jcpa.org/about/>.

³² The Jerusalem Center for Public Affairs, “Legal Assault: How the ICC Has Been Weaponized Against the U.S. and Israel,” 5 May 2020, available at: <https://jcpa.org/legal-assault-how-the-icc-has-been-weaponized-against-the-u-s-and-israel/>.

provide information on the situation before the ICC, and instead reuses claims and allegations previously made by the Israeli government, and its proxy organisations, while openly naming Al-Haq staff.³³

11. Alarmingly, the Israeli government, including its Ministry of Strategic Affairs, go beyond publishing reports, as they also lobby politicians and donors, urging and pressuring them to halt their funding to Al-Haq. In 2015, false letters, allegedly sent by the Palestinian Authority (PA), were sent to several European donors that funded Al-Haq, claiming that Al-Haq was being investigated by the consulting firm Ernst & Young for “financial irregularities, corruption, fraud and misuse of donations and 37 funds.” Later on, these allegations were refuted by the Ernst & Young and the PA.³⁴
12. The Israeli Prime Minister, Benjamin Netanyahu, has repeatedly called on European government officials to halt their funding of Palestinian human rights organisations, including Al-Haq, which he claimed were involved in “anti-Israel incitement and promoting boycotts of the Jewish state,” and thanked Denmark for tightening the conditions for providing its funding.³⁵ Following this, he met with European officials, including the Norwegian, Irish, and Dutch foreign ministers, smearing the work of Al-Haq.³⁶
13. On 10 June 2019, Israel’s Ministry of Strategic Affairs claimed to have succeeded in efforts to convince banks in Europe and the United States to close 30 financial accounts associated with Palestinian NGOs, allegedly including those of Al-Haq.³⁷ Despite the sweeping claims made by the Ministry of Strategic Affairs, Al-Haq as an organization does not hold credit card accounts. As such, there was never an account open that could be closed to begin with.³⁸
14. Responding to these attacks, Professor Lynk further noted, with particular concern, in his March 2019 report to the UN Human Rights Council, “the harmful practices employed by political leadership and States authorities in Israel to silence human rights defenders’ criticism of certain government policies.

³³ Al-Haq, “Al-Haq Condemns Attempt to Smear Al-Haq, Its Staff, and Partners in Recent Report,” 11 May 2020, available at: <http://www.alhaq.org/advocacy/16854.html>.

³⁴ See, for example, OHCHR, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc A/HRC/34/70, 13 April 2017, para. 40, Al-Haq, “Al-Haq Under Attack – Staff Member’s Life Threatened,” 3 March 2016, available at: <http://www.alhaq.org/advocacy/6432.html>, and FIDH/OMCT, “Ongoing smear campaign against Al-Haq staff members Mr. Shawan Jabarin and Ms. Nada Kiswanson,” 10 November 2017, available at: <https://www.fidh.org/en/issues/human-rights-defenders/israel-occupied-palestinian-territory-ongoing-smear-campaign-against#nh6-1>.

³⁵ Middle East Monitor, “Netanyahu thanks Denmark for cutting aid to Palestinian NGOs,” 25 December 2017, available at: <https://www.middleeastmonitor.com/20171225-netanyahu-thanks-denmark-for-cutting-aid-to-palestinian-ngos/>.

³⁶ Herb Keinon, Greer Fay Cashman, “Netanyahu, Norwegian FM at odds over Palestinian NGO,” the Jerusalem Post, 7 January 2018, available at: <https://www.jpost.com/Arab-Israeli-Conflict/Netanyahu-Norwegian-FM-at-odds-over-Palestinian-NGO-533054>.

³⁷ Maayan Jaffe-Hoffman, “30 Financial Accounts Associated With BDS-Promoting NGOs Shut Down,” Jerusalem Post, 11 June 2019, available at: <https://www.jpost.com/Israel-News/Report-30-financial-accounts-associated-with-BDS-promoting-NGOs-close-592073>.

³⁸ Al-Haq, “Israeli Ministry of Strategic Affairs Campaign of Institutionalised Harassment Continues with the Alleged Closure of Palestinian NGOs’ Financial Accounts,” 19 June 2019, available at: <http://www.alhaq.org/advocacy/6039.html>.

This includes verbal attacks, disinformation campaigns and de-legitimization efforts, as well as targeting of civil society funding sources... Those accused included respected European and Palestinian organizations such as Al-Haq, the Palestinian Centre for Human Rights and Al-Mezan.”³⁹

15. In a latest attempt to silence Palestinian human rights groups and civil society organizations, the Israeli Ministry of Defense, led by Israel’s Minister of Benny Gantz, has launched a worrying attack declaring Al-Haq alongside five other prominent Palestinian civil society organizations as “terror organizations”, under Israel’s 2016 domestic Anti-Terrorism Law effectively outlawing the organizations and placing them at risk of imminent reprisals. The six targeted organizations are: Addameer Prisoner Support and Human Rights Association (Addameer), Al-Haq Law in the Service of Man (Al-Haq), Bisan Center for Research and Development, Defense for Children International-Palestine (DCI-P), the Union of Agricultural Work Committees (UAWC), and the Union of Palestinian Women’s Committee (UPWC).
16. On November 3, 2021, the Israeli military’s Commanding Officer of the Central Command, in charge of the military regime in the West Bank, declared five of these organizations as “unlawful associations”, pursuant to his authority under the Emergency Regulations. The UAWC had been declared an “unlawful association” previously.⁴⁰ The military order constitutes a dangerous and alarming move to execute and implement its designation of Palestinian organizations, putting Al-Haq, its staff members and their property, at imminent risk of raid, arrest and reprisals.
17. Despite these serious allegations against Al-Haq and the five other civil society, Israel has failed⁴¹ to provide any credible evidence to support its accusations and claims to have evidence in a secret file.⁴² Notably, the EU Commission, a long-standing partner of Al-Haq and civil society organizations have imposed a funding suspension on Al-Haq as a provisional measure while investigations into Israel’s allegations are ongoing, and have provided no clarifications on the reasons of the suspension. The suspension is not a recent development, the Commission imposed it in May 2021, freezing one of the legal projects funded by the European Union (EU). The suspension was done in reference to “a report by the Israeli government that accuses the misuse of European donors’ fund by Palestinian civil society organizations to fund terroristic activities.”⁴³ Such suspension on behalf of the EU Commission, has further given space for NGO monitor to use the suspension as ground to launch its most recent attack against Al-Haq.⁴⁴

³⁹ OHCHR, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc A/HRC/40/73, 15 March 2019, para. 24.

⁴⁰ Adalah’s Expert Opinion: Israel’s 2016 Counter-Terrorism Law and 1945 Emergency Regulations Regarding the Outlawing of Six Palestinian Human Rights and Civil Society Groups 23 November 2021, available at:

https://www.adalah.org/uploads/uploads/Adalah_Expert_Opinion_Palestinian6_Nov2021.pdf

⁴¹ Secret Israeli dossier provides no proof for declaring Palestinian NGOs ‘terrorits’, November 2021, available at: <https://www.972mag.com/shin-bet-dossier-palestinian-ngos/>

⁴² Al-Haq, “Palestinian Organizations Declared as ‘Unlawful Associations’ by Israeli Military File Objection: Illegal Decision Devoid of Due Process” (3 February 2022), available at: <<https://www.alhaq.org/advocacy/19456.html>>

⁴³ Statement Al-Haq about funding suspension imposed by European Commission, January 2022, available at: <https://www.alhaq.org/advocacy/19424.html>

⁴⁴ NGO Monitor, Twitter, available at: <<https://twitter.com/NGOMonitor/status/1483741496540991495>>

18. The EU Commission has simply ignored our legitimate questions and requests for clarifications on the suspension, which are of direct relevance to our ability to defend ourselves against Israeli's allegations and any adverse measures by the EU. The Commission only replied end of 2021, after Al-Haq has commissioned an EU based lawyer. The answer was that it did so with reference to Israel's designations, confirming it has not lifted the funding suspension pending "further investigations" of information received from the Israeli authorities. It also informed Al-Haq that "a decision on the suspension is unlikely to be made before the end of first quarter of 2022".
19. On January 5th 2022, the Dutch government announced (UAWC) will no longer receive funds from the Netherlands. Presumably due to mounting pressure especially after the designation of the six organisations, despite conducting an investigation in 2020 and having found no grounds for the Israeli allegations claiming links between UAWC and terrorist activities.⁴⁵
20. On 16 October 2021, Al-Haq contacted Front Line Defenders about a device of a Jerusalem-based staff member infected with spyware. Front Line Defender conducted a technical investigation and found that the device had been infected in July 2020, with spyware sold by the Israeli based NSO Group. Front Line Defenders launched an investigation on other devices belonging to members of the Six designated organizations, and confirmed that five additional devices were hacked with the same spyware.⁴⁶
21. Global civil society organizations, UN experts, politicians, trade unions, lawyers and human rights defenders from across the world have sent statements of support and launched campaigns and letters condemning the Israeli designation of the six organizations.⁴⁷ UN Experts have condemned the designations and considered them "a frontal attack on the Palestinian human rights movement, and on human rights everywhere".⁴⁸

III. Recommendations:

1. Call on Israel, to urgently rescind the designations as acts which violate the freedoms of opinion and expression, and freedom of association, and amount to acts of apartheid prosecutable under Article 7(2)(h) of the Rome Statute;
2. Publish a bulletin to banks and financial institutions, putting them on notice to dismiss as inapplicable, Israel's terrorist designation of the six Palestinian organizations;

⁴⁵ Organisations urge the Dutch government to resume funding for Palestinian organization, January 2022, available at: <https://www.omct.org/en/resources/statements/organisations-urge-the-dutch-government-to-resume-funding-for-palestinian-organisation>

⁴⁶ Six Palestinian human rights defenders hacked with NSGO Group's Pegasus Spyware, November 2021, available at: <https://www.frontlinedefenders.org/en/statement-report/statement-targeting-palestinian-hrds-pegasus>

⁴⁷ *Examples of the supporting statements condemning the designation of the six organizations are available at:* <https://palcivilsociety.com/resources>

⁴⁸ UN experts condemn Israel's designation of Palestinian human rights defenders as terrorist organisations, 25 October 2021, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27702&LangID=E>

3. Communicate directly with, and recommend, that the European Union and Third States remove “terrorism” clauses as internal conditions placed on donor funding of civil society organizations in the occupied Palestinian territory;
4. Call on UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Ms. Fionnuala Ní Aoláin, to examine the compatibility of the Anti-Terror Law, 2016 with International Human Rights Law and International Humanitarian Law;
5. Denounce the application of the Anti-Terror Law, 2016 to civil society organizations in the OPT as an overreaching of Israel’s domestic law to the OPT;
6. Call on Israel to repeal the Anti-Terror Law, 2016 effectively used to institutionalize the persecution of human rights defenders and entrench its colonial domination over the Palestinian people and their lands;
7. Urge Israel to immediately cease its systematic and ongoing policies and practices aimed at intimidating, smearing and silencing Palestinian civil society and human rights defenders, in breach of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalized hate speech and incitement, residency revocation, deportations, and other forms of coercive or punitive measures, including recent designations;
8. Call on third state to act in good faith and protect the important civil society and human rights work in Palestine, and to take concrete and immediate measure to end Israel’s prolonged occupation of the occupied Palestinian territory and bring to an end the apartheid regime over the Palestinian people as a whole since 1948, ensuring effective remedy and redress for all Palestinians, including the right of self-determination, and the right of refugees and exiles in the diaspora to return to their homes in Palestine.